

CRM-M-8427-2021 (O&M)
Date of decision-04.01.2023

Shailander Shinda @ Surender @ Shinda

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Yashpal Thakur, Advocate for the petitioner.

Mr. Gurpreet Singh, Addl. A.G. Punjab.

MANOJ BAJAJ, J.

Petitioner has filed 2nd petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.0005 dated 17.10.2019 registered under Sections 18, 20, 25, 61 and 85 of Narcotic Drugs and Psychotropic Substances Act at Police Station SSOC (State Special Operations Cell), SAS Nagar, Intelligence Wing (CID), who was arrested on 17.10.2019.

The contents of the FIR as noticed by the learned Additional Sessions Judge, SAS Nagar, Mohali in order dated 19.05.2020 read as under:-

“As per the prosecution case, on the basis of secret information, naka was laid. One car bearing No.CH01-BF-2827 was stopped in which three persons namely Prince, Shailander Shinda (present applicant) and Ramesh Kumar were sitting. On checking, from the Daashboard of the car 2 Kgs of

Charas and 150 of Opium were recovered. Three persons were arrested and from the Dashboard of the car, 2 kgs of Charas (falling in commercial quantity) was recovered. Beside this, 150 gms of Opium was also recovered from the present applicant.”

During the pendency of the petition, the accused prayed for *interim* regular bail on the ground that his daughter is undergoing treatment for kidney ailment and vide order dated 18.08.2021, his application bearing CRM No.23546 of 2021 for grant of *interim* regular bail was accepted. Thereafter, the interim concession was extended from time to time and on 12th December, 2022, learned State counsel had sought time to ascertain the current health status of petitioner’s daughter.

Today, learned State counsel has filed the affidavit of Sh.Rakesh Yadav, PPS, Deputy Superintendent of Police, CI & Ops INT HQ PB, SAS Nagar along with medical report dated 19.12.2022 by PGIMER, Chandigarh, which reveals that initially the patient was operated on 31.12.2021 for removal of right kidney, and later, she was sent to Urology OPD on 11.05.2022 as she complained of pain in abdomen. As per report, thereafter the patient never came for following the treatment. The relevant part of the report is reproduced as under:-

“The Patient Miss Anju, 18/F, CR. No.202103513051, was a known case of right sided non-functioning kidney secondary to renal stone disease and forgotten DJ stent. For this problem, she underwent laparoscopic removal of right kidney under department of Urology, PGIMER Chandigarh on 31.12.2021 (admission No.2021078427). Later on she presented to Urology OPD on 11.05.2022 with pain abdomen for which she was advised CT scan (NCCT KUB).

*However, the CT scan was reported to be normal.
In view of persistent pain abdomen with indigestion and no
Urological complaints, the patient was referred to
Gastroenterology Department, PGIMER Chandigarh. After
this the patient did not visit us in Urology OPD. Hence, her
current medical condition should be opined by the
concerned doctor of Gastroenterology Department as she
underwent colonoscopy guided biopsy of caecum.”*

The above fact is not disputed by learned counsel for the petitioner, who further states that the trial has reached at the final stage and is fixed for 07.01.2023 for final decision.

After hearing the learned counsel for the parties and considering the advanced stage of the trial as well as the fact that the patient is presently not undergoing any treatment, this Court is not inclined to either extend the concession of interim regular bail to the petitioner or to release him on regular bail.

Consequently, the petition is dismissed and it is directed that the petitioner shall surrender before the trial Court on 07.01.2023.

04.01.2023
geeta

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No